

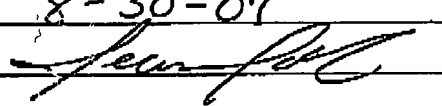

AUG 30 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1033-MS1008	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>8-30-07</u> Signature <u></u> Typed or printed name <u>Jeaneaux Jordan</u>		Application Number 10/714,585	Filed November 14, 2003
		First Named Inventor Brian K. Hollowell, et al.	
		Art Unit 2614	Examiner ESCALANTE, Ovidio
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		 Signature	
<input type="checkbox"/> applicant/inventor.		Jeffrey G. Toler Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)		512-327-5515 Telephone number	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>38,342</u>		<u>8-30-2007</u> Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Brian K. Hollowell, et al.

**RECEIVED  
CENTRAL FAX CENTER**

Title: SYSTEM AND METHOD FOR SIMPLE UNIFIED MESSAGING

**AUG 30 2007**

App. No.: 10/714,585

Filed: November 14, 2003

Examiner: ESCALANTE, Ovidio

Group Art Unit: 2614

Customer No.: 60533

Confirmation No.: 1674

Atty. Dkt. No.: 1033-MS1008

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MS: AF

Commissioner for Patents

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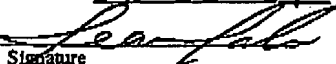
**REMARKS IN SUPPORT OF THE PRE-APPEAL BRIEF  
REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed June 5, 2007, (hereinafter, "the Final Office Action") and further pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, Applicants respectfully request review and reconsideration of the Final Office Action in view of the following issues.

**1. The Asserted Combination of Tverskoy, Liljestrand and Gavette Is Missing  
an Element of Each of the Claims**

Applicants traverse the rejection of claims 1-4 and 6-9, under 35 U.S.C. §103(a), over U.S. Patent No. 6,341,160 ("Tverskoy") in view of U.S. Patent No. 6,853,714 ("Liljestrand"), and further in view of U.S. Patent No. 7,162,013 ("Gavette"), at paragraphs 1-1.8 of the Final Office Action. The asserted combination fails to disclose or suggest preparing an outgoing message in response to recognizing that the calling party left the message, the outgoing message including an email address associated with the calling party, as recited in claim 1. The Final Office Action admits that Tverskoy does not disclose this element of claim 1. See Final Office Action, para. 1.1. Further, Liljestrand does not disclose this element of claim 1. Instead,

<b>CERTIFICATE OF TRANSMISSION/MAILING</b>	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>8-30-07</u>	
Jeanneaux Jordan	
Typed or Printed Name	Signature

Liljestrand discloses that the subscriber can reply to the voice mail via e-mail if the caller's e-mail address is known, and that the caller's e-mail address can be included with the voice mail message sent to the subscriber's e-mail address. *See* Liljestrand, col. 17, lines 53-57. However, Liljestrand fails to disclose preparing an outgoing message, the outgoing message including the e-mail address associated with the calling party. Further, Gavette does not disclose or suggest this element of claim 1. Therefore, claim 1 is allowable. Claims 2-4 and 6-9 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1. Further, the asserted combination fails to disclose or suggest that the outgoing message has a format selected from the group consisting of an electronic mail message format, a mobile alert format, an IM format, an SMS format, an EMS format, and an MMS format, as recited in claim 6. Instead, Tverskoy discloses that the e-mail message may contain an attached voice message in WAV format, some other audio format, or compressed voice data. *See* Tverskoy, col. 5, lines 2-11. Further, neither Liljestrand nor Gavette disclose or suggest this element of claim 6. For this additional reason, claim 6 is allowable.

## **2. The Asserted Combination of Tverskoy, Liljestrand, Gavette and Goldberg Is Missing an Element of Each of the Claims**

Applicants traverse the rejection of claim 10, under 35 U.S.C. §103(a), over Tverskoy in view of Liljestrand, and further in view of Gavette, and further in view of U.S. Patent No. 6,304,636 ("Goldberg"), at paragraph 2 of the Final Office Action. As explained above, the combination of Tverskoy, Liljestrand and Gavette fail to disclose each and every element of claim 1, from which claim 10 depends. Goldberg does not disclose the elements of claim 1 that are not disclosed by Tverskoy, Liljestrand and Gavette. For example, Goldberg does not disclose preparing an outgoing message in response to recognizing that the calling party left the message, the outgoing message including an email address associated with the calling party, as recited in claim 1. Instead, Goldberg discloses sending an e-mail to a called party, which may have a digital audio file attached or may have digitized text included in the body of the e-mail. *See* Goldberg, col. 3, lines 23-28. Therefore, Tverskoy, Liljestrand, Gavette, and Goldberg, separately or in combination, do not disclose or suggest each element of claim 1, or of claim 10, which depends from claim 1. Hence, claim 10 is allowable.

### **3. The Asserted Combination of Tverskoy and Gavette Is Missing an Element of Each of the Claims**

Applicants traverse the rejection of claims 11-19, under 35 U.S.C. §103(a), over Tverskoy in view of Gavette, at paragraphs 3-3.9 of the Final Office Action. The asserted combination fails to disclose or suggest a housing component at least partially defining an enclosure, as recited in claim 11. Instead, Tverskoy discloses an answering machine 12 including a telephone line interface, a computer-telephone interface, a voice signal digitization and compression system, a digital memory, a user interface system, and a control system. See Tverskoy, Fig. 1 and col. 2, lines 14-22. Tverskoy does not disclose a housing component at least partially defining an enclosure. Tverskoy does not disclose that the answering machine includes an enclosure. Tverskoy does not disclose a housing component of any kind. Further, Gavette does not disclose this element of claim 11. Therefore, the asserted combination fails to disclose or suggest each and every element of claim 11. Hence, claim 11 is allowable. Claims 12-19 depend from claim 11, and are therefore allowable, at least by virtue of their dependence from allowable claim 11. Further, none of the cited references, including Tverskoy and Gavette, disclose or suggest that a call awareness trigger, a call answering mechanism, memory, and a messaging engine are located within an enclosure as recited in claim 12. Neither Tverskoy nor Gavette discloses an enclosure of any kind. For this additional reason, claim 12 is allowable.

### **4. The Asserted Combination of Tverskoy and Liljestrand Is Missing an Element of Each of the Claims**

Applicants traverse the rejection of claims 21-27, under 35 U.S.C. §103(a), over Tverskoy in view of Liljestrand, at paragraphs 4-4.7 of the Final Office Action. None of the cited references, including Tverskoy and Liljestrand, disclose or suggest the specific combination of claim 21. For example, Tverskoy does not disclose employing a messaging device to compose an electronic mail message in response to a voice message, to attach an audio file representing the voice message to the electronic mail message, and to initiate sending of the electronic mail message via a wide-area communication network where the electronic mail message includes the email address of the calling party, as recited in claim 21. Instead, Tverskoy discloses that a control system generates e-mail messages for each voice message stored in memory, each email message having a header that may include a date and time of the call and caller identification information, if received with the call, and has an attached file with the voice

message in digitized form. *See* Tverskoy, col. 4 line 62 – col. 5, line 2. Tverskoy does not disclose that the email message includes the email address of the calling party. Liljestrand, in contrast to claim 21, discloses that voice mail messages can be forwarded, and that the caller's email address can be included with the voice mail message sent to the subscriber's email address. Liljestrand does not disclose employing a messaging device to attach an audio file representing the voice message to an electronic mail message, or that an electronic mail message includes the email address of the calling party. Therefore, Tverskoy and Liljestrand, separately or in combination, fail to disclose or suggest each and every element of claim 21. Hence, claim 21 is allowable. Claims 22-27 depend from claim 21, and are therefore allowable, at least by virtue of their dependence from allowable claim 21. Further, Tverskoy and Liljestrand, separately or in combination, fail to disclose or suggest addressing the electronic mail message to more than one intended recipient, as recited in claim 26. Instead, Tverskoy discloses that any email messages generated are sent to the user's own email account. *See* Tverskoy, col. 5, lines 24-25. Further, Liljestrand does not disclose this element of claim 26. For this additional reason, claim 26 is allowable.

#### **5. The Asserted Combination of Agraharam and Liljestrand Is Missing an Element of Each of the Claims**

Applicants traverse the rejection of claims 29, 30, and 32-35, under 35 U.S.C. §103(a), over U.S. Patent No. 6,483,899 ("Agraharam") in view of Liljestrand, at paragraphs 5-5.4 of the Final Office Action. None of the cited references, including Agraharam and Liljestrand, disclose or suggest the specific combination of claim 29. For example, the Final Office Action admits that Agraharam does not disclose a computer-readable medium having computer-readable data to answer an incoming telephone call in a Voice over Internet Protocol (VoIP) format from a calling party via an Internet protocol network, where the incoming telephone call comprises a VoIP call, as recited in claim 29. *See* Final Office Action, para. 5.1. Instead, Liljestrand discloses a VoIP network 103 coupled to subscriber equipment 150 that can interface with an Enhanced Local Exchange (ELE) 130 via the Public Telephone Network (PTN) 102. *See* Liljestrand, Fig. 5, and col. 9, lines 20-23. Liljestrand does not disclose that the ELE or the subscriber equipment 150 can answer an incoming telephone call in a VoIP format. Rather, communication via the VoIP network 103 is available to the subscriber only, and not to a calling party. *See* Liljestrand, Fig. 5. Therefore, Agraharam and Liljestrand, separately or in

combination, do not disclose each element of claim 29. Hence, claim 29 is allowable. Claim 30 depends from claim 29, and is therefore allowable at least by virtue of its dependence from allowable claim 29. None of the cited references, including Agraharam and Liljestrand, disclose or suggest a call answering mechanism to answer a telephone call in VoIP format, as recited in claim 32. The Final Office Action admits that Agraharam does not disclose this element. See Final Office Action, para. 5.1. Further, Liljestrand does not disclose a call answering mechanism to answer a call in VoIP format, as explained above with regard to claim 29. Therefore, Agraharam and Liljestrand, separately or in combination, do not disclose each element of claim 32. Hence, claim 32 is allowable, and claims 33-35 are also allowable, at least by virtue of their dependence from allowable claim 32.

### CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Final Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

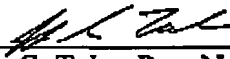
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

8-30-2007  
Date

  
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